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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/716,118	11/18/2003	Takayuki Yajima	848075/0061	6090
29619 7590 07/22/2009 SCHULTE ROTH & ZABEL LLP ATTN: JOEL E. LUTZKER 919 THIRD AVENUE NEW YORK, NY 10022				
EXAMINER				
MA, CALVIN				
ART UNIT		PAPER NUMBER		
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/716,118

Applicant(s)

YAJIMA, TAKAYUKI

Examiner

CALVIN C. MA

Art Unit

2629

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 March 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24, 26 and 27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-24 and 26-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-8508)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-24 and 26-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Finke-Anlauff (U.S. Patent: 6,850,226) in view of Lenchik et al. (US Patent 7,257,430).

As to claims 8, Finke-Anlauff teaches a portable terminal unit (i.e. the device 30) comprising:

a first housing (i.e. screen panel 2) having at least a display section (i.e. display 6) (see Fig. 1, Col. 2, Lines 50-65, Col. 3, Lines 5-10);

a second housing (i.e. body 1) having at least a main operation section (i.e. since the body contains the processing parts of the device, in contains the main operation section) (see Fig. 1, Fig. 5, Col. 2, Lines 49-53), wherein both said first housing (2) and said second housing (1) are coupled together (i.e. the display panel is attached to the body 1) (see Fig. 1) so that said main operation section is covered with said first housing in a closed state and is exposed in an opened state (i.e. since the screen panel

covers most of the body when the device is closed, the main operation section is covered by the display) (see Fig. 1), and a display screen of said display section is exposed in both said closed state and said opened state (i.e. the screen panel is always in view, and is therefore exposed in both the closed and open state) (see Fig. 1, Lines 50-65);

a state detecting section (i.e. 29 panel position sensor) for detecting whether said first housing and said second housing are in said opened state or in said closed state (i.e. the panel position sensor senses whether or not the panel is in open or closed position, since when the screen panel is opened the user is able to use the larger keyboard it would serve to the users convenience to rotate the screen orientation so that it will me in a landscape mode, which is allowed by the automatic sensor which use software control to switch the orientation mode when the panel is opened) (see Fig 8, Col. 4, Lines 30-35);

and a control section (i.e. the main control process 257) (see Fig. 8) said display section (2) when said at least one key is operated in said closed state and opened state (i.e. the direction arrow by design will navigate a cursor on the screen regardless whether the screen is in open or closed position as Fig. 1 clearly demonstrate dark underlining cursor that is controlled by the directional cursor key 13) (see Fig. 1, Col. 4, Lines 1-2) and wherein the closed state said control section controls said display section to display thereon a item selecting screen for selecting an item from a plurality of items, and

However Finke-Anlauff does not explicitly teach in a state where an item is selected from the plurality of items of the item selecting screen, in response to a state change from the closed state to the opened state, the control section controls said display section to change into display a screen image corresponding to the selected item from the item selecting screen, but instead teaches having a menu system where the user can access via hardware control from the keypad. Lenchik teaches in a state where an item is selected from the plurality of items of the item selecting screen, in response to a state change from the closed state to the opened state, the control section controls said display section to change into display a screen image corresponding to the selected item from the item selecting screen (i.e. the screen movement allow for automatic activation of different applications base on the self-configuration system of the processor in the main body of the phone, and the ability to notify the user of non-selected service waiting to be received such as incoming page, where when the user reconfigure the device the device response and the display shall change to support such functional change) (see Fig. 1, Col. 4, Lines 45-67).

Therefore it would have been obvious for one of ordinary skill in the art at the time the invention was made to have used application control service of Lenchik in the mobile phone system of Finke-Anlauff in order to provide superior user experience by creating better function integration and added control flexibility for the mobile communication device (see Lenchik Col. 1, Lines 32-50).

As to claim 22, Finke-Anlauff teaches an auxiliary operation section (i.e. telephone keypad 7) comprising at least one key (i.e. the telephone keys such as the numeral keys and the directional control keys) (see Fig. 1, Fig. 5, Col. 3, Lines 55-62) provided on either said first housing or said second housing other than on a surface (i.e. the keys are on the body and always exposed) (see Fig. 1, Col. 3, Lines 55-62), of said first and second housings opposed to each other in said closed state (i.e. the screen panel 2 is on top of the body 1 and therefore opposed each other in the closed state) (see Fig. 2b, Col. 2, Lines 50-60);

As to claims 1 and 21, see discussion of claims 8 and 22 above, claim 1 is analyzed to be broader than claim 8 and is rejected on the same ground.

As to claims 15 and 23, see discussion of claims 8 and 22 above, claim 15 differs only from claim 8 in the limitation of "a coupling section which rotatably couples said first housing and said second housing". Finke-Anlauff teaches a coupling section which rotatably couples said first housing (2) and said second housing (1) (i.e. the rotation by a pivot pin about the axis of the pins 38 that can also slide in a track 18, in this way the device is additionally given the rotational capability) (see Fig. 4, Col. 3, Lines 15-25).

As to claim 9, Finke-Anlauff teaches the portable terminal unit (30) according to claim 8, wherein said selecting screen displays a plurality of function items (i.e. the device is said to have PDA functionality and specifically allow the user to select function such as video camera 11, calendar data 26, contact data 27, and internet browser 28) (see Fig. 8, Col. 4, Lines 20-30).

As to claim 10, Finke-Anlauff teaches the portable terminal unit according to claim 9 wherein said function items are a mail function (i.e. email), a memorandum function (i.e. notes), a schedule book function (i.e. calendar function), a browser function (i.e. Internet browser 28), a message/voice memorandum function (i.e. in cellular telephony the message and voice memorandum functions are network provided, for a cellular phone to provide service to the user, it is an understood function built-in to the phone), a history function and a camera (i.e. video camera 11) function (i.e. since the device is able to handle full PDA functionality and all application that software packages such as Microsoft Office handles, all of the above functionality are present)(see Fig. 8, Col. 2, Lines 35-47, Col. 4, Lines 20-30).

As to claim 11, Finke-Anlauff teaches the portable terminal unit according to claim 8, wherein said selecting screen displays a plurality of selecting items for one function item (i.e. since the device 30 is able to allow the user to select and operate

functions such as internet browser, which allows the user to select plurality of items in the browser to allow proper functionality) (see Fig. 8, Col. 4, Lines 20-30).

As to claim 12, Finke-Anlauff teaches the portable terminal unit according to claim 8, wherein said portable terminal unit (30) is a mobile telephone (i.e. mobile telephone 21) (see Fig. 1, Col. 4, Lines 15-16).

As to claim 13, Finke-Anlauff teaches the portable terminal unit according to claim 8, wherein said portable terminal unit (30) is a personal digital assistant (i.e. the device function as a personal digital assistant) (see Col. 4, Lines 22-24).

As to claim 14, Finke-Anlauff teaches the portable terminal unit (30) according to claim 8, wherein said first housing (2) and said second housing (1) are coupled to each other so as to be opened and closed by a sliding motion (i.e. screen panel 2 slide over keyboard 12 of the body 1) (see Fig. 3, Col. 2, Lines 58-60)

As to claims 2-7, see discussion of claim 9-14 above, claims 2-7 are analyzed to be broader than claims 9-14, and are rejection on the same ground.

As to Claims 16-20, see discussion of claim 15 above, these claims are analyzed as equivalent to claims 9-13 with respect to the parent claim, claim 15, and is rejected for the same reason.

As to claim 24, Finke-Anlauff and Lenchik teaches the portable terminal unit according to claim 1 comprising:

an auxiliary operation section provided on either said first housing or said second housing other than on surfaces of said first housing and said second housing opposed to each other in said closed state (i.e. key unit 7 is not covered by the display on the closed state) (see Fig. 1); and

wherein the control section controls said display section to display the item selecting screen thereon in said closed state by an operation of said auxiliary operation section (i.e. the main control process 25 controls the auxiliary key input as well as the display 2 via the display driver) (see Fig. 8, Col. 4, Lines 28-37), controls said display section to display a message screen thereon in response to that a specific item which requires an operation by the main operation section is selected from a plurality of items shown in the selecting screen by an operation of said auxiliary operation section (i.e. in figure 1, it is clear demonstrate that the user of the device can select via the cursor button 13 the caller the user wish to access with the highlighted bar over the selected name), the message screen prompting a user to change said portable unit into the opened state (i.e. the display notifying the user that a paging message is available for

the user and for the user to reconfigure the device to act as a pager in order to view the incoming page) (see Lenchik Col. 4, Lines 60-67) and for controlling said display section to display a display screen image corresponding to the specific item thereon when said portable terminal unit is brought into said opened state after the message screen is displayed (i.e. when the user reconfigure the device by changing it into an open state the page information is then display for the user) (see Lenchik Col. 4, Lines 60-67).

As to claim 26, Lenchik teaches wherein the control section controls the display section to change from displaying an upper layer screen in the closed state into a lower layer screen in response to a state change from the closed state to the opened state (i.e. the generic cellular communication screen notify the user that a page message is available and when the user modify the unit to open state the system go into the paging display mode which is a necessarily a lower layer display mode specific for paging need) (see Fig 1-8, Col. 4, Lines 56-67).

As to claim 27, Lenchik teaches wherein the control section activates a function corresponding to the selected item in response to the state change from the closed state to the opened state, to display the screen image corresponding to the selected (i.e. the generic cellular communication screen power by the phone control system is able to notify the user that a page message is available and when the user modify the unit to open state forming a pager like state to function specific for paging need) (see Fig 1-8, Col. 4, Lines 56-67).

Response to Amendment

3. Applicant's reply was received in the Office on 10/14/2008 and the new claims 26-27 have been entered.

Response to Arguments

4. Applicant's arguments with respect to claim 1-24, and 26-27 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Inquiry

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Calvin Ma whose telephone number is (571) 270-1713. The examiner can normally be reached on Monday - Friday 7:30 - 5:00 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chanh Nguyen can be reached on (571) 272-7772. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Calvin Ma
July 16, 2009

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